



CRITICAL AREA ORDINANCE UPDATES

PLANNING COMMISSION BRIEFING #3
September 27, 2025

TONIGHT'S AGENDA



Potential Code Updates

- ▶ Chapter 85 - Geologically Hazardous Areas
- ▶ Chapter 90 - Wetlands, Streams, Minor Lakes, Fish and Wildlife Habitat Conservation Areas, and Frequently Flooded Areas

1. Does the PC have questions or **feedback** about the draft CAO code amendments?
2. Are there any sections of the draft code that the PC would like to **amend**?
3. Does the PC need any additional information prior to the **public hearing**?



CHAPTER 85 – Public Feedback

- ▷ State supported potential code updates
- ▷ Exemptions for low-risk projects
- ▷ Peer review exemptions for low-risk or simple projects
- ▷ Clarify requirements and permit review process
- ▷ Clarify responsible party for geotechnical recommendations
- ▷ Natural vs. engineered slopes



CHAPTER 85 – Potential Updates

- ▷ Landslide Hazard Definitions
- ▷ Peer Review Exemptions
- ▷ Structural Setbacks
- ▷ Vegetation Requirements
- ▷ Natural Greenbelt Protective Easement (NGPE)

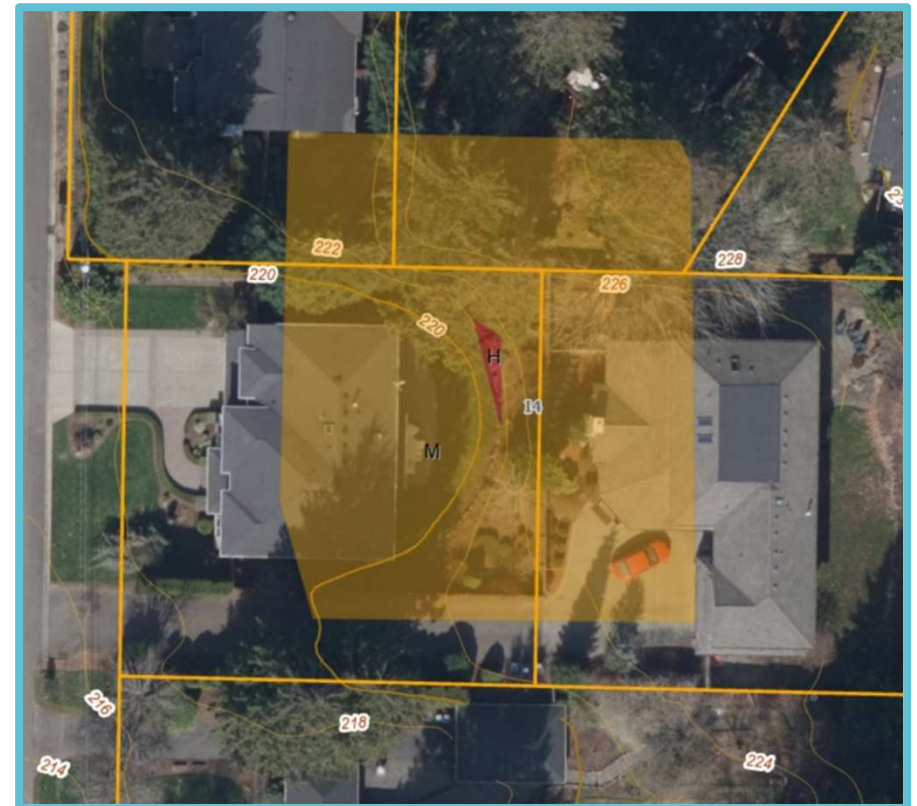
CHAPTER 85 – Landslide Hazard Definitions



Existing Moderate Landslide Hazard

Definition: Areas with slopes between 15% and 40% which do not meet the definition of high landslide area.

Proposed Change: Revise the moderate landslide hazard definition to establish a 5-foot minimum slope height.

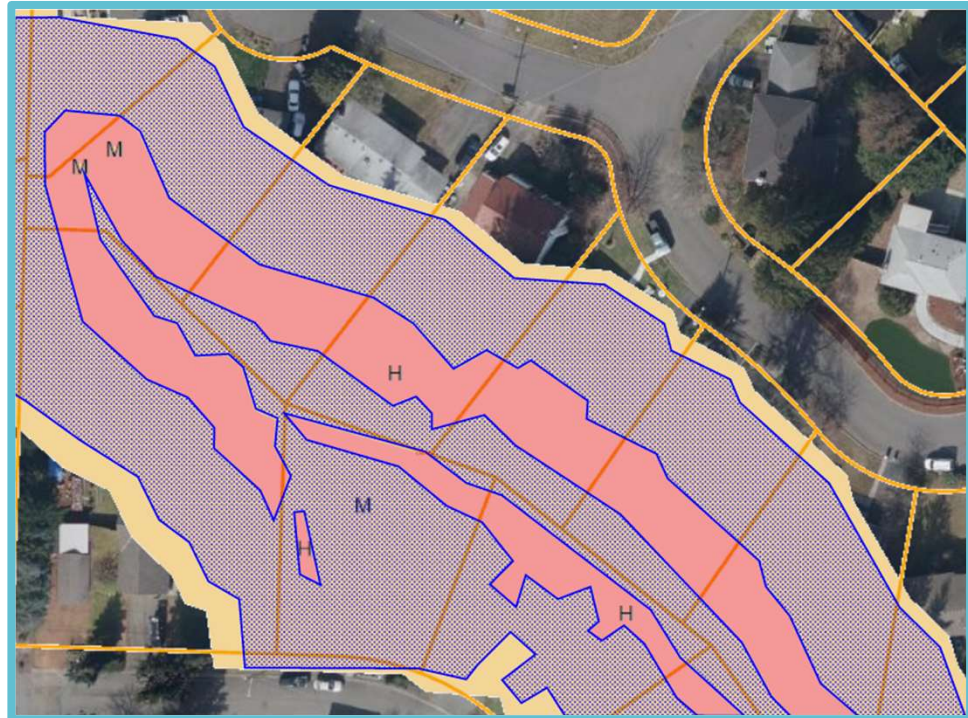


CHAPTER 85 – Landslide Hazard Definitions



Existing Definitions

“...the high landslide hazard area also includes the area within a horizontal distance “H” equal to either the height of the slope or 50 feet, whichever is greater. ”



CHAPTER 85 – Exemptions



KZC 85 Exemptions from Geotech Report Submittal (KZC 85.16)

- ▷ Existing Decks
- ▷ HVAC / Mechanical Equipment
- ▷ Fences
- ▷ Improved ROW
- ▷ Second Story Additions

Peer Review Exemptions in Moderate Landslide Areas (KZC 85.22.3)

- ▷ New Decks
- ▷ Retaining Walls
- ▷ Structures < 200 SF
- ▷ Planning Official Waivers

CHAPTER 85 – Structural Setbacks



Potential Outcomes

- ▷ Reduced Requirements in Geotech Report
- ▷ Exemption from Peer Review



CHAPTER 85 – Vegetation Requirements

KZC 85 Trees and Vegetation not Associated with Development (KZC 85.17)

- ▷ Moderate Landslide: KZC 95
- ▷ High Landslide: KZC 85.17
 - Hazard or Nuisance
 - Retain Stumps
 - Replacement 1:1
- ▷ **Code Clarity:** Consolidation of Tree Requirements



CHAPTER 85 – Protective Easement

- ▷ **KZC 85.25.8 Performance Standards:** The City *may* require a dedication of one or more natural greenbelt protective easements or tracts.
- ▷ **KZC 85.40 Dedication:** The City *may* require that the applicant dedicate development rights, air space, or an open space easement to the City to avoid impacts associated with a landslide hazard area or seismic hazard area on the subject property.
- ▷ **KZC 85.18.2.o.(7):** Identify areas of the subject property, including structure setbacks from geologically hazardous areas, where development activity could significantly impact the subject property or adjacent properties (e.g., slope stability, increased erosion, sedimentation, etc.) and should therefore be restricted.





CHAPTER 85 – PC Guidance

- ▷ Landslide Hazard Definitions
- ▷ Peer Review Exemptions
- ▷ Structural Setbacks
- ▷ Vegetation Requirements
- ▷ Natural Greenbelt Protective Easement (NGPE)

1. Does the PC have questions or **feedback** about the draft CAO code amendments?
2. Are there any sections of the draft code that the PC would like to **amend**?
3. Does the PC need any additional information prior to a **public hearing**?

CHAPTER 90 – Public Input Received



Public Comment Theme	Clarity Edits	Increase Buffer	Create RMZ
Code is too complex	X	X	
Clarify and limit RMZ requirements			X
Reduce costs for development: Vegetation buffer standard 3 rd party expert and review	X		X
Concern for stream property value changes			X
Expand buffers and repair habitat over the long term		X	



CHAPTER 5 – Definitions

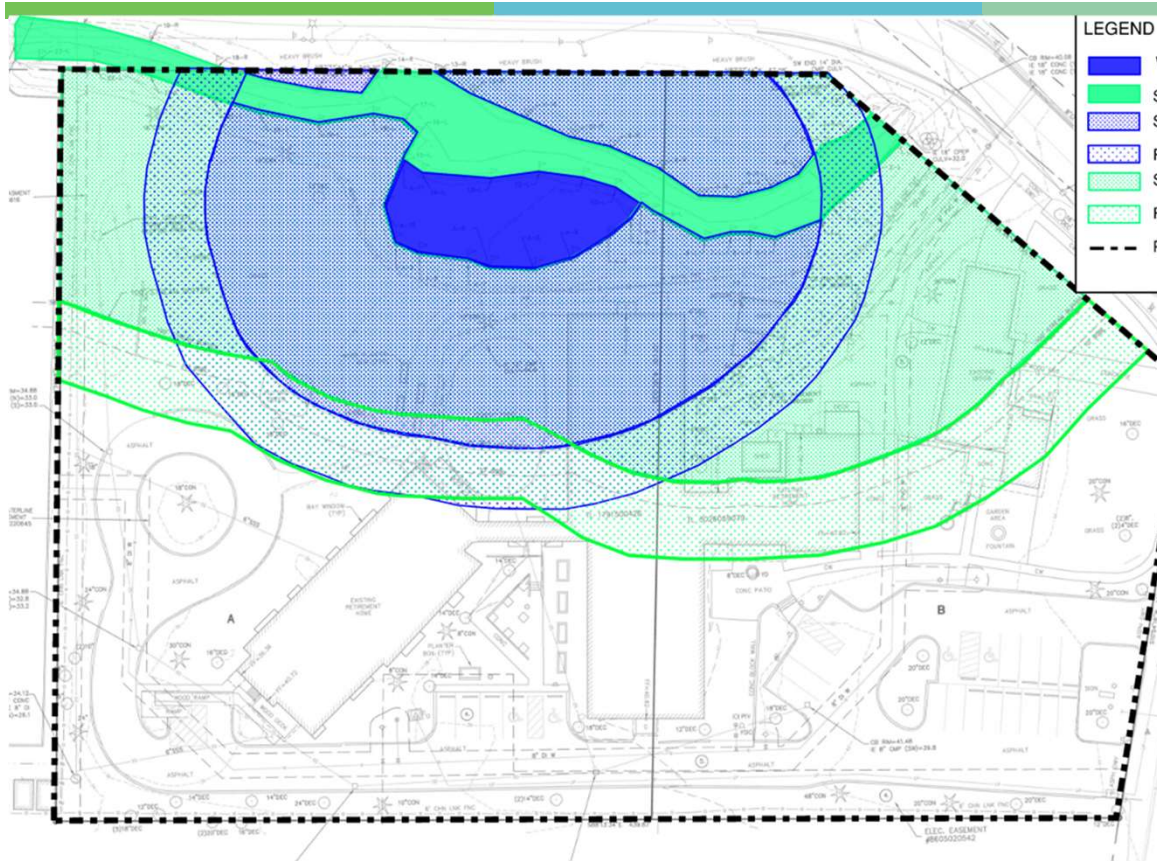
New Definitions

- ▷ .038 Anadromous fisheries
- ▷ .127 Climate Ready Vegetation
- ▷ .567 No Net Loss
- ▷ .813 Riparian Management Zone
- ▷ .976.5 Waters of the State
- ▷ .978 Watershed Approach
- ▷ .9.88.21 Wetland, non-federally regulated

Adapted Definitions

- ▷ .079 Best Management Practices (BMPs)
- ▷ .178 Critical Area Buffer
- ▷ .321 Fish and Wildlife Habitat Conservation Area
- ▷ .748 Qualified Critical Area and Shorelines Professional
- ▷ .898 Stream Types

CHAPTER 90 – Clarity Edits / Differentiate Buffers



LEGEND

Clearly Differentiate:

“Expanded” Regulated Buffer
“Standard” Reduced Buffer

- ▶ KZC 5.178, Critical Area Buffer
- ▶ KZC 90.35.4, .5, Wetlands and Associated Buffer Standards
- ▶ KZC 90.65.2, .3, Streams and Buffer Standards
- ▶ KZC 90.155

CHAPTER 90 – Clarity Edits - “Exemptions” KZC 90.35



90.30.9 Public Property Restoration

- ▷ Allow “invasive tree” management for species not specified in the King County Noxious Weed list
- ▷ Allow small tracked equipment for use in noxious weed removal

90.30.10 Voluntary Private Restoration

- ▷ Improve timing for planting with added clarification for soil stabilization
- ▷ Clarify invasive species to King County-regulated and non-regulated noxious weeds

90.30.13 Emergency Activities

- ▷ Clarification on documenting evidence and restoration



CHAPTER 90 – Clarity and Industry BMP Edits

90.145 Mitigation

- ▷ Clarify buffer mitigation is required for impacts within the regulated buffer
- ▷ Emphasize the Mitigation Sequencing process

90.135 Trees In Critical Areas and Critical Area Buffer

- ▷ Move 90.135 to the tree regulations in KZC 95.24
- ▷ Add KZC 85 and RMZ exceptions for pruning
- ▷ Clarify replacement requirements for landmark tree removal
- ▷ Adjust replanting requirements to better meet industry standards



CHAPTER 90 –Clarity and Industry BMP Edits

90.160 Monitoring and Maintenance

- ▷ Increased opportunity to reduce monitoring costs for high performing mitigation sites

90.195 Pesticide and Fertilizer use

- ▷ Incorporate industry language and regulations and BMPs Exemptions in KZC 90.35 for public restoration only for noxious weeds
- ▷ No exemption for private property owners, must use licensed operators

90.130 Vegetative Buffer Standards

- ▷ Simplify (not decrease) minimum vegetation standards in the buffer to improve long term success
- ▷ Increase opportunity to manage invasives before planting
- ▷ Increase groundcover/ soil stabilization opportunities
- ▷ Clarify requirements for reporting to reduce report edits and updates



CHAPTER 90 – NO NET LOSS Requirement Updates

90.180, Reasonable Use and 90.185 Non-conformance

- ▷ Clarify when minimum vegetation buffer standards are triggered
- ▷ Added a 1:1 mitigation requirement for legal non-conformances or when minimum veg buffer standards are already met.

90.145: Mitigation General

- ▷ Clarification and simplification of the process to use off-site mitigation options, such as mitigation bank, or in lieu fee programs, rather than on-site mitigation, when on-site mitigation for critical areas or buffers have a low probability of success or low potential to improve site conditions

CHAPTER 90 – BAS for Riparian Areas

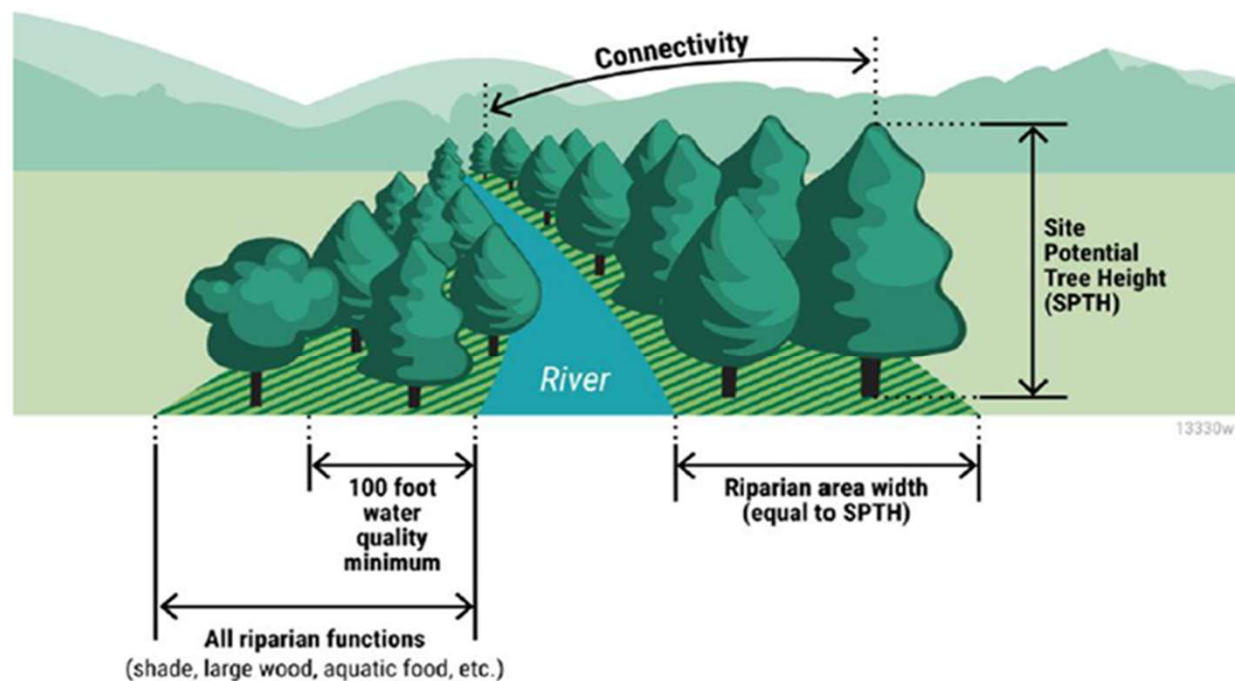


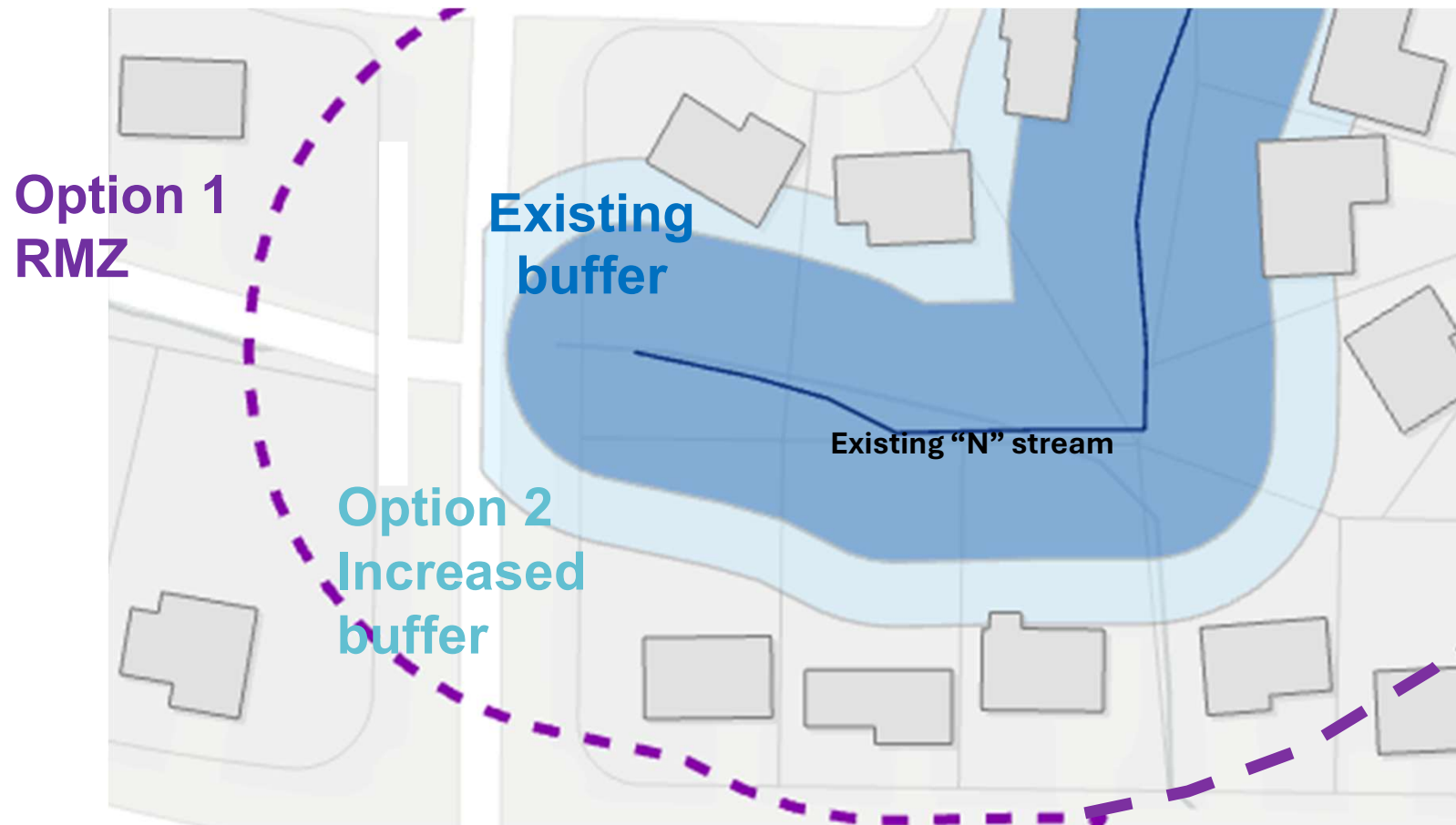
Figure 5.1 Key riparian concepts discussed and integrated into the BAS review.



CHAPTER 90 – Stream Buffer Options for State Compliance

	Meets minimum state requirements	Meets water quality goals	Meets habitat goals	Minimizes new impacts to parcel development and contributes to urban density goals	N Stream buffer Reduced / Regulated	F Stream Buffer Reduced / Regulated
<u>State Requirements</u> with no local justified adaptation	X	X	X		100/133	200+/-
<u>Existing Code</u> KZC 90.65				X	50/66	100/133
<u>Option 1:</u> Maintain current buffers and add RMZ of 150 ft to all streams	X	X	X	X	50 / 66 + RMZ 150	100 / 133 + RMZ 150
<u>Option 2:</u> Increase N Streams to 100 ft and F Streams to 150 ft	X	X	X		75 / 100	115 / 150

CHAPTER 90 – Stream Buffer Options



CHAPTER 90 – Stream Buffer Options





CHAPTER 90 – BAS amendments for stream buffers

90.67 Riparian Management Zone

- Added designation of 150-foot area adjacent to both F and N-type streams.
- Added requirements for Wildlife habitat enhancement
 - KZC 90.135 Critical Area Tree Regulations.
 - KZC 90.155: Measures to Minimize Impacts to Wetlands, Buffers, and Riparian Management Zones.
- Added requirements for Water Quality improvements
 - KMC 15.52 Low Impact Development (LID) and Kirkland Stormwater Manual;

To simplify: Create checklists for development review and web page

To monitor: Assess tree canopy changes in the RMZ and continue to monitor water quality

RMZ Proposed Requirements

KZC Table 90.155.1 Measures to minimize impacts to wetlands, buffers and Riparian Management Zones:

- ▷ Lights (Dark Skies Initiative)
- ▷ Noise (buffers)
- ▷ Dust and air pollution
- ▷ Toxic runoff (water quality)
- ▷ Stormwater runoff (e.g., water quantity, turbidity, erosion control)
- ▷ Pets and human disturbance

